

## MINUTES ADOPTED BY CITY COUNCIL

Greenville, NC  
April 14, 2005

The Greenville City Council met in a regular meeting on the above date at 7:00 PM in the City Council Chambers, third floor of the Municipal Building, with Mayor Robert D. Parrott presiding. The meeting was called to order, followed by the invocation by Council Member Ray Craft and the pledge of allegiance to the flag. The following were present.

Mayor Robert D. Parrott  
Mayor Pro-Tem Ric Miller  
Council Member Mildred A. Council  
Council Member Ray Craft  
Council Member Pat Dunn  
Council Member Rose H. Glover  
Council Member Chip Little  
Wayne Bowers, City Manager  
Wanda T. Elks, City Clerk  
David A. Holec, City Attorney

### APPROVAL OF AGENDA

Motion was made by Council Member Dunn and seconded by Council Member Little to approve the agenda as presented. Motion carried unanimously.

### SPECIAL RECOGNITIONS

Captain Janice Harris was presented with a plaque upon her retirement with 22 years of service in the Police Department.

### APPOINTMENTS TO BOARDS AND COMMISSIONS

#### Affordable Housing Loan Committee

Council Member Little requested that the appointments for the Affordable Housing Loan Committee be continued to May 2005.

#### Citizens Advisory Commission on Cable TV

Mayor Pro-Tem Miller requested that the appointments for the Citizens Advisory Commission on Cable TV be continued to October 2005 and that staff be directed to bring back options regarding the Commission in September 2005.

### Community Appearance Commission

Motion was made by Council Member Craft and seconded by Council Member Dunn to reappoint Diane Kulik for a second three-year term expiring April 2008. Motion carried unanimously.

Council Member Craft requested that the appointment to replace Sonny Barr, who is ineligible for reappointment, be continued to May.

### Environmental Advisory Commission

Motion was made by Council Member Glover and seconded by Council Member Little to reappoint Ulrich Alsentzer for a second three-year term expiring April 2008 and to reappoint Lisa Overton for a first three-year term expiring April 2008. Motion carried unanimously.

### ORDINANCE REZONING PHILIPPI CHURCH OF CHRIST PROPERTY LOCATED ALONG THE NORTHERN RIGHT-OF-WAY OF PACTOLUS HIGHWAY (NC HIGHWAY 33), EAST OF ACADEMY DRIVE, AND WEST OF AZALEA STREET FROM R6S TO CN AND FROM R6 TO CN - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on April 4 and April 11, 2005 setting this time, date and place for a public hearing to consider a request by Philippi Church of Christ to rezone 4.254 acres located along the northern right-of-way of Pactolus Highway (NC Highway 33), 2,250± feet east of Academy Drive, and 2,200± feet west of Azalea Street as follows: Tract 1 (3.786 acres) from R6S to CN and Tract 2 (0.468 acres) from R6 to CN. At its March 15, 2005 meeting, the Planning and Zoning Commission voted to recommend approval of the request.

Mr. Harry Hamilton, Chief Planner, delineated the property on a map and stated that this is a request to rezone two tracts zoned Residential/Single-Family and Residential to Neighborhood Commercial. The majority of the property in the area is vacant, with some scattered development along Pactolus Highway and a neighborhood near the intersection of Greenville Boulevard and Pactolus Highway. The entire area is located within the floodplain of the Tar River. A substantial portion of the property is currently zoned Neighborhood Commercial, and the Comprehensive Plan recommends a neighborhood commercial area at the intersection. The Land Use Plan map recommends low-density development to the north.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Mike Baldwin, representing the petitioner, stated that this request is to try to match up zoning lines with lot lines.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to adopt the ordinance rezoning 4.254 acres located along the northern right-of-way of Pactolus Highway (NC Highway 33), 2,250± feet east of Academy Drive, and 2,200± feet west of Azalea Street as

follows: Tract 1 (3.786 acres) from R6S to CN and Tract 2 (0.468 acres) from R6 to CN. Motion carried unanimously. (Ordinance No. 05-25)

ORDINANCE REZONING POHL PARTNERSHIP PROPERTY LOCATED ALONG THE SOUTHERN RIGHT-OF-WAY OF OLD CREEK ROAD, EAST OF GREENVILLE BOULEVARD (US 264 BYPASS), AND WEST OF NORTHWOODS SUBDIVISION, FROM RA20 TO CH - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on April 4 and April 11, 2005 setting this time, date and place for a public hearing to consider a request by POHL Partnership to rezone 14.3878 acres located along the southern right-of-way of Old Creek Road, 250± feet east of Greenville Boulevard (US 264 Bypass), and 360± feet west of Northwoods Subdivision, from RA20 to CH. At its March 15, 2005 meeting, the Planning and Zoning Commission voted to recommend approval of the request.

Mr. Harry Hamilton, Chief Planner, delineated the property on a map and stated that this is a request to rezone property from Residential-Agricultural to Heavy Commercial. A substantial amount of the property is located within the 500-year floodplain. This property is on the fringe of the City's planning and zoning jurisdiction and areas immediately to the east are currently within the county's jurisdiction and zoned rural residential. The area along Greenville Boulevard is currently zoned heavy commercial. The areas located to the south are zoned commercial and industrial. The Land Use Plan map recommends that this area serve as a commercial focus area. The request, as submitted, is in compliance with the Comprehensive Plan.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Ken Malpass, representing the petitioner, was present to answer questions.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Council and seconded by Mayor Pro-Tem Miller to adopt the ordinance rezoning 14.3878 acres located along the southern right-of-way of Old Creek Road, 250± feet east of Greenville Boulevard (US 264 Bypass), and 360± feet west of Northwoods Subdivision, from RA20 to CH. Motion carried unanimously. (Ordinance No. 05-26)

ORDINANCE ANNEXING E. R. LEWIS CONSTRUCTION CO., INC. PROPERTY LOCATED ON THE NORTH SIDE OF EASY STREET, ON THE SOUTH SIDE OF NC HIGHWAY 33, AND WEST OF NC HIGHWAY 11 - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on April 4, 2005 setting this time, date and place for a public hearing to consider a request by E. R. Lewis Construction Co., Inc to annex 3.1521 acres located on the north side of Easy Street, on the south side of NC Highway 33, approximately 1,230 feet west of NC Highway 11. This is a contiguous annexation.

Mr. Merrill Flood, Director of Planning and Community Development, delineated the property on a map and stated that the property is located in Voting District 1. The property is vacant and the proposed use is a medical facility development. The current population is 0, and the anticipated population at full development is 0.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Council and seconded by Council Member Little to adopt the ordinance annexing 3.1521 acres located on the north side of Easy Street, on the south side of NC Highway 33, approximately 1,230 feet west of NC Highway 11. Motion carried unanimously. (Ordinance No. 05-27)

ORDINANCE ANNEXING THE COVENGTION GROUP, LTD. PROPERTY (COVENGTION DOWNE, LOT 12, BLOCK B) LOCATED ON THE NORTH SIDE OF SMYTHEWYCK DRIVE AND ON THE EAST SIDE OF ARLINGTON BOULEVARD, BOUND ON THE NORTH AND EAST BY PROPERTY OF THE COVENGTION GROUP, LTD. - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on April 4, 2005 setting this time, date and place for a public hearing to consider a request by The Covengton Group, Ltd to annex Covengton Downe, Lot 12, Block B, involving 0.98 acres located on the north side of Smythewyck Drive and on the east side of Arlington Boulevard and bound on the north and east by the property of The Covengton Group, Ltd. This is a contiguous annexation.

Mr. Merrill Flood, Director of Planning and Community Development, delineated the property on a map and stated that the property is located in Voting District 5. The property is vacant and the proposed use is restaurant. The current population is 0, and the anticipated population at full development is 0.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Council to adopt the ordinance annexing Covengton Downe, Lot 12, Block B, involving 0.98 acres located on the north side of Smythewyck Drive and on the east side of Arlington Boulevard and bounded on the north and east by the property of The Covengton Group, Ltd. Motion carried unanimously. (Ordinance No. 05-28)

ORDINANCE ANNEXING THE COVENGTION GROUP, LTD. PROPERTY (COVENGTION DOWNE, LOT 8, BLOCK A) LOCATED ON THE NORTH SIDE OF TURNBURY DRIVE AND EAST OF ARLINGTON BOULEVARD - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on April 4, 2005 setting this time, date and place for a public hearing to consider a request by The Covengton Group, Ltd. to annex Covengton Downe, Lot 8, Block A, involving

0.587 acres located on the north side of Turnbury Drive and being about 1,086 feet east of Arlington Boulevard. This is a contiguous annexation.

Director of Planning and Community Development Merrill Flood delineated the property on a map and stated that the property is located in Voting District 5. The property is currently vacant and the proposed use is office-building development. The current population is 0, and the anticipated population at full development is 0.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Dunn and seconded by Council Member Council to adopt the ordinance annexing Covengton Downe, Lot 8, Block A, involving 0.587 acres located on the north side of Turnbury Drive and being about 1,086 feet east of Arlington Boulevard. Motion carried unanimously. (Ordinance No. 05-29)

ORDINANCE ANNEXING THE COVENGTION GROUP, LTD. PROPERTY ( COVENGTION DOWNE, LOT 8, BLOCK E) LOCATED ON THE SOUTH SIDE OF NCSR 1708 (FIRE TOWER ROAD) AND EAST OF COUNTY HOME ROAD – ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on April 4, 2005 setting this time, date and place for a public hearing to consider a request by The Covengton Group, Ltd to annex Covengton Downe, Lot 8, Block E, involving 1.390 acres located on the south side of NCSR 1708 (Fire Tower Road) and being about 496 feet east of County Home Road. This is a contiguous annexation.

Director of Planning and Community Development Merrill Flood delineated the property on a map and stated that the property is located in Voting District 5. The property is currently vacant and the proposed use is commercial building development. The population is 0, and the anticipated population at full development is 0.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Little to adopt the ordinance annexing Covengton Downe, Lot 8, Block E, involving 1.390 acres located on the south side of NCSR 1708 (Fire Tower Road) and being about 496 feet east of County Home Road. Motion carried unanimously. (Ordinance No. 05-30)

ORDINANCE ANNEXING WHW & ASSOCIATES, LLC PROPERTY (BROOK HOLLOW, SECTION ONE) LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 13 (DICKINSON AVENUE) AND WEST OF WILLIAMS ROAD - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on April 4, 2005 setting this time, date and place for a public hearing to consider a request by WHW & Associates, LLC to annex Brook Hollow, Section One, involving 26.454

acres located on the north side of U.S. Highway 13 (Dickinson Avenue) approximately 786 feet west of Williams Road. This is a contiguous annexation.

Director of Planning and Community Development Merrill Flood delineated the property on a map and stated that the property is located in Voting District 1. The property is currently vacant and the proposed use is 59 duplex lots (118 dwelling units). The current population is 0, and the anticipated population at full development is 258, with 163 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Little and seconded by Council Member Craft to adopt the ordinance annexing Brook Hollow, Section One, involving 26.454 acres located on the north side of U.S. Highway 13 (Dickinson Avenue) approximately 786 feet west of Williams Road. Motion carried unanimously. (Ordinance No. 05-31)

ORDINANCE ANNEXING KENNETH P. WHICHARD, JR. PROPERTY (HOLLY GLEN, LOT 2) LOCATED ON THE WEST SIDE OF NCSR 1203 (ALLEN ROAD) AND NORTH OF THE NORFOLK SOUTHERN RAILROAD - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on April 4, 2005 setting this time, date and place for a public hearing to consider a request by Kenneth P. Whichard, Jr. to annex Holly Glen, Lot 2, involving 9.196 acres located on the west side of NCSR 1203 (Allen Road) approximately 177 feet north of the Norfolk Southern Railroad. This is a contiguous annexation.

Director of Planning and Community Development Merrill Flood delineated the property on a map and stated that the property is located in Voting District 1. The property is currently vacant and the proposed use is 136 one and two bedroom apartments. The current population is 0, and the anticipated population at full development is 333, with 185 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to adopt the ordinance annexing Holly Glen, Lot 2, involving 9.196 acres located on the west side of NCSR 1203 (Allen Road) approximately 177 feet north of the Norfolk Southern Railroad. Motion carried unanimously. (Ordinance No. 05-32)

ORDINANCE ANNEXING WOODRIDGE CORPORATE PARK PROPERTY (WOODRIDGE CORPORATE PARK, SECTION 2, LOTS 1 AND 2) LOCATED AT THE WESTERN TERMINUS OF WOODRIDGE PARK ROAD, ON THE SOUTH SIDE OF HARDEE RUN, AND WEST OF NCSR 1203 (ALLEN ROAD) - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on April 4, 2005 setting this time, date and place for a public hearing to consider a request by Woodridge Corporate Park to annex Woodridge Corporate Park, Section 2, Lots 1 and

2, involving 17.1395 acres located at the western terminus of Woodridge Park Road, on the south side of Hardee Run, and west of NCSR 1203 (Allen Road). This is a non-contiguous annexation.

Director of Planning and Community Development Merrill Flood delineated the property on a map and stated that the property is located in Voting District 1. The property is currently vacant and the proposed use is an industrial shell building development. The current population is 0, and the anticipated population at full development is 0.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Council to adopt the ordinance annexing Woodridge Corporate Park, Section 2, Lots 1 and 2, involving 17.1395 acres located at the western terminus of Woodridge Park Road, on the south side of Hardee Run, and west of NCSR 1203 (Allen Road). Motion carried unanimously. (Ordinance No. 05-33)

#### PUBLIC HEARINGS AND ORDINANCES RELATING TO ABANDONED STRUCTURES - ADOPTED

##### Corner of Albemarle Avenue and Bonners Lane

City Manager Wayne Bowers stated that a notice of public hearing was published in The Daily Reflector on April 4 and April 11, 2005 setting this time, date and place for a public hearing to consider the ordinance to demolish the structure at the corner of Albemarle Avenue and Bonners Lane owned by B. V. Rhinehardt Community Development, Inc.

Mr. Carl Rees, Urban Development Planner, displayed pictures and stated that this structure has chronically been in violation of City Public Nuisance and Abandoned Structure Codes for more than seven years. Greenville Utilities last served the structure in January 2003. The Greenville Fire Department has declared the structure to be a fire hazard and all required notifications have been made to the property owners.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Ms. Betty Vines Rhinehardt explained that this structure was purchased to try to help serve the homeless. After it was purchased, she became ill and unable to take care of it. She requested that she be allowed six months to get it taken care of because of her inability to do so due to the fact that she has been sick.

Upon being asked how this could be accomplished, City Attorney Holec stated that the Council could delay the effective date of the ordinance.

Council Members Glover and Council expressed that since this is within the 45-block area, Ms. Rhinehardt should be eligible for funding from the City. Staff was asked to give Ms. Rhinehardt more time to check out her options and hope the City can work with her to make that happen if she needs that.

Upon being asked if the City could assist in the demolition, Mr. Rees replied that the City goes through a competitive bid process for demolitions. Asbestos has to be addressed. The real concern is the use of the property by vagrants. If the Council does not proceed, the structure will need to be secured and costs will be incurred for that. It will be at least three months before it is actually torn down.

Director of Planning and Community Development Merrill Flood stated that staff will be glad to work with Ms. Rhinehardt to let her know what the City's plans are and see what her plans are. He will see if there is a way the City can help her financially with the demolition.

Staff was asked to obtain the asbestos report from Ms. Rhinehardt to help reduce her demolition costs. Staff was also asked to bring back to the Council whatever is worked out with Ms. Rhinehardt and to give Ms. Rhinehardt the time she needs. It was suggested that Ms. Rhinehardt provide the staff with any other pertinent reports she may have received that might reduce the cost of the demolition so her future costs could be as low as possible.

The City Manager was directed to keep the Council informed as to how this is working for Ms. Rhinehardt.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Council and seconded by Council Member Glover to adopt the ordinance, with direction to staff to cooperate with Ms. Rhinehardt to have the structure demolished and to give her some time to explore other avenues. Motion carried unanimously. (Ordinance No. 05-34)

#### 1108 West Fourth Street

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on April 4 and April 11, 2005 setting this time, date and place for a public hearing to consider the ordinance to demolish the dwelling at 1108 West Fourth Street owned by Stephen El-Amin.

Urban Development Planner Carl Rees displayed pictures and stated that this structure has been in violation of the Minimum Housing Code for a period of more than seven years, during which time the property has also been in chronic violation of the City's public nuisance codes. Greenville Utilities last served the structure in April 1997, and taxes on the property are in arrears. The structure has been vacant with no efforts made toward repair for a period of more than one year. The Greenville Fire Department has declared the structure to be a fire hazard and all required notifications have been made to the property owners.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Stephen El-Amin stated that he has been doing extensive work on the house for the last two to three years. He can have the work completed in four to five months.



Upon being asked about the existence of a valid building permit for the property, Mr. Rees stated that the building permit in the window expired mid-1999. Mr. El-Amin will need to get a new building permit or have it re-issued in order to continue working on the house. If substantial work has been done on the house at the end of the 90 days noted in the ordinance, staff would work with the owner on the timeframe.

Upon being asked if funding for the 45-block area is available to help Mr. El-Amin, Director of Planning and Community Development Flood replied that the priority is to help the homeowners at this time.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Glover and seconded by Council Member Council to adopt the ordinance authorizing and directing the Urban Development Planner to proceed to either repair or demolish and remove the dwelling located at 1108 West Fourth Street and owned by Stephen El-Amin in the event the owner fail to comply with the provisions of Section 1 of this ordinance within 150 days. Motion carried unanimously. (Ordinance No. 05-35)

#### 414 Latham Street

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on April 4 and April 11, 2005 setting this time, date and place for a public hearing to consider the ordinance to demolish structures at 414 Latham Street.

Mr. Carl Rees, Urban Development Planner, displayed pictures and stated that the structure located at 414 Latham Street owned by Carl E. and Gwendolyn P. Harris has been in violation of the Minimum Housing Code for a period of more than five years, during which time the property has also been in chronic violation of the City's public nuisance codes. Greenville Utilities last served the structure in July 1994, and it has been vacant with no efforts made toward repair for a period of more than one year. The Greenville Fire Department has declared the structure to be a fire hazard and all required notifications have been made to the property owners.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Little to adopt the ordinance authorizing and directing the Urban Development Planner to proceed to vacate the dwelling of all occupants and to remove or demolish the dwelling located at 414 Latham Street and owned by Carl E. and Gwendolyn P. Harris. Motion carried unanimously. (Ordinance No. 05-36)

#### 1400 West Sixth Street

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on April 4 and April 11, 2005 setting this time, date and place for a public hearing to consider the ordinance to demolish structures at 1400 West Sixth Street.

Mr. Carl Rees, Urban Development Planner, displayed pictures and stated that the structure owned by Randa R. Yacoub located at 1400 West Sixth Street has been in violation of the Minimum Housing Code for a period of more than two years, during which time the property has frequently been in violation of the City's Public Nuisance Codes. Greenville Utilities last served the structure in September 1996, and taxes on the property are in arrears. The Greenville Fire Department has declared the structure to be a fire hazard and all required notifications have been made to the property owners.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Little and seconded by Council Member Glover to adopt the ordinance authorizing and directing the Urban Development Planner to proceed to vacate the dwelling of all occupants and to remove or demolish the dwelling located at 1400 West Sixth Street and owned by Randa R. Yacoub. Motion carried unanimously. (Ordinance No. 05-37)

#### 603 Vance Street

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on April 4 and April 11, 2005 setting this time, date and place for a public hearing to consider the ordinance to remove or demolish structure at 603 Vance Street.

Mr. Carl Rees, Urban Development Planner, displayed pictures and stated that the property owned by Samuel E. Hardy at 603 Vance Street has been in violation of the Minimum Housing Code for a period of more than seven years, during which time the property has frequently been in violation of the City's Public Nuisance Codes. Greenville Utilities last served the structure in July 2000, and taxes on the property are in arrears. The Greenville Fire Department has declared the structure to be a fire hazard, and all required notifications have been made to the property owners.

Council Member Glover expressed concern about demolishing so many houses and expressed that the City should be trying to rehabilitate some of the houses. She asked to see pictures of the inside of the houses being proposed for demolition at future meetings. The West Greenville Focus Group is trying to keep people inside of West Greenville. The City needs to be sure it is doing what the community wants it to do.

Mr. Rees stated that the inside of the houses which are being presented for Council action usually look worse than the outside.

Council Member Council stated that staff needs to make more effort to find the owners and to ensure that West Greenville is sustained. Instead of tearing down the houses, staff should talk to the neighbors to see if anyone wants to buy or rehab the house.

Staff was asked to let the Council know how much people owe in taxes in the future when demolitions are brought before the Council.

Council Member Dunn stated that something needs to be done to the houses before they get in such shape that demolition is necessary. People in the neighborhood have had concerns about the condition of some of these homes. These kinds of property have vagrants and are a trouble to people in the neighborhood, and those people will move out if something is not done to eliminate the dilapidated structures.

Mr. Rees stated that staff attempts to evaluate all the structures. There are limited funds. Staff is working judiciously to spend the funds that are available. Funds are not available to purchase all of the dilapidated structures.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Dunn to adopt the ordinance authorizing and directing the Urban Development Planner to proceed to vacate the dwelling of all occupants and to remove or demolish the dwelling located at 603 Vance Street and owned by Samuel E. Hardy. Motion carried unanimously. (Ordinance No. 05-38)

#### 805 Ward Street

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on April 4 and 11, 2005 setting this time, date and place for a public hearing to consider the ordinance to remove or demolish the dwelling at 805 Ward Street.

Mr. Carl Rees, Urban Development Planner, displayed pictures of the structure and stated that the property at 805 Ward Street owned by Herbert A. Gardner et al has been in violation of the Minimum Housing Code for a period of more than two years, during which time the property has frequently been in violation of the City's Public Nuisance Code. Greenville Utilities last served the structure in October 2001, and taxes on the property are in arrears. The Greenville Fire Department has declared the structure to be a fire hazard, and all required notifications have been made to the property owners.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to adopt the ordinance authorizing and directing the Urban Development Planner to proceed to either repair or demolish and remove the dwelling at 805 Ward Street and owned by Herbert A. Gardner ETALS in the event the owner fails to comply with the provisions of Section I of this ordinance within ninety (90) days. Motion carried unanimously. (Ordinance No. 05-39)

#### APPROVAL OF CITY SPONSORSHIP AND FIREWORKS DISPLAY FOR FOURTH OF JULY CELEBRATION

Mr. Scott Tanner of the Greenville Jaycees stated that the Jaycees have been having the Fourth of July celebration for 30 years. He requested the support of the City and the use of the Town Common for the Fourth of July Celebration.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft for the Jaycees to have the fireworks display at conclusion of the Fourth of July event. Motion carried unanimously.

RESOLUTION CONSENTING TO THE RELOCATION OF GRAVES FROM THE DAIL FAMILY CEMETERY ON FIRE TOWER ROAD TO THE WINTERVILLE CEMETERY - ADOPTED

Mr. Ward Sutton of R. Ward Sutton Cemetery Services made a request to relocate the Dail Family Cemetery under the guidelines set forth in NC GS 65-13. The property is owned by Bill Clark Homes of Greenville. He began talking with the family on August 18, 2004. There have been several meetings and telephone calls with the family over the past several months. The remains will be reinterred in the Winterville Cemetery. Legal Notice was given in The Daily Reflector on February 14, 21, 28 and March 7, 2005. He thanked the City Manager and City Clerk for their assistance in the process. Mr. Sutton informed the Council that the family has no opposition to the request and that several family members are present tonight to show their support.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to adopt the resolution giving consent to R. Ward Sutton of R. Ward Sutton Cemetery Services to relocate the Dail Family Cemetery currently located on the northeast corner of NCSR 1700 (Evans Street) and NCSR 1708 (Fire Tower Road) to the Winterville Cemetery. Motion carried unanimously. (Resolution 05-22)

RESOLUTION IDENTIFYING AREAS UNDER CONSIDERATION FOR ANNEXATION - ADOPTED

Mr. Merrill Flood, Director of Planning and Community Development, stated that the Council elects to adopt a resolution on a bi-annual basis identifying areas that are outside the corporate limits but that may be considered for annexation in the future. The resolution is necessary in order for the City to incorporate any areas through involuntary annexation. The resolution of consideration is valid for two years and must be renewed within the two-year period to remain valid. Failure to adopt a new resolution of consideration within the two-year window would result in a delay of at least one year for any involuntary annexation attempt.

Motion was made by Council Member Council and seconded by Council Member Little to adopt the resolution identifying areas under consideration for annexation. Motion carried unanimously. (Resolution No. 05-23)

ORDINANCE AMENDING THE CITY CODE, CHAPTER 5 OF TITLE 6, ENTITLED "TREES" – ADOPTED

Mr. Ken Jackson, Operations Manager, stated that through the work of the Environmental Advisory Commission on March 3, 2005, they voted to recommend the ordinance to City Council. These regulations are not related to the regulation of tree removal by developers and owners on private property, but on public property and parks. These amendments will make the

ordinance more efficient and effective, will increase the fine for meeting regulations and will establish an appeals process.

Staff was asked to share this with the Community Appearance Commission.

Motion was made by Council Member Craft and seconded by Council Member Dunn to adopt the ordinance amending Chapter 5 of Title 6 of the City Code entitled "Trees". Motion carried unanimously. (Ordinance No. 05-40)

#### ORDINANCE AMENDING THE CONCEALED HANDGUN ORDINANCE - ADOPTED

City attorney Dave Holec stated that the Greenville Convention Center has recently become aware of the possible violation of the City ordinance prohibiting the possession of concealed handguns on City-owned property when it hosts Gun and Knife Shows. Mrs. Rhesa Tucker, CEO of the Convention Center, has requested an amendment to address this matter so that Gun and Knife Shows can continue to be hosted at the Center. The Center has successfully hosted five shows previously and additional shows are booked for the future. When vendors, exhibitors, and other persons attend these shows, they may be legitimately carrying a handgun concealed about their person (such as in a carrying case) with the appropriate permit; however, because of the prohibition established in the City Code, the Center is an area where concealed weapons are not to be possessed (other than by such persons as law enforcement officers when acting in the discharge of their duties), even if a concealed handgun permit is possessed by the person.

Motion was made by Council Member Craft and seconded by Council Member Little to adopt the ordinance establishing an exemption from the concealed handgun ordinance to assist the Greenville Convention Center in conducting future Gun and Knife Shows. Motion carried unanimously. (Ordinance No. 05-41)

#### RESOLUTION AUTHORIZING THE DISPOSITION OF CITY PROPERTY ON EIGHTH STREET - ADOPTED

City Attorney Holec stated that the City received an offer to purchase property owned by the City located on Eighth Street. The City acquired the property in 2003 for \$17,011.13 when it was being sold by Pitt County in a tax foreclosure sale. The City acquired the property since there were demolition liens on the property. The person who sent the letter has advised that the entity making the offer is University Suites, LLC and the intended use of the property is for student housing. The offer is for \$25,000 or for the fair market value as determined by a qualified real estate appraiser. Due to the expense of an appraisal, it is recommended that an appraisal not be conducted and that the \$25,000 offer be considered. If Council proposes to accept the offer, adoption of the resolution will authorize the sale by the negotiated offer, advertisement and upset bid method. Upon the conclusion of the process, the final qualifying upset bid (or the initial offer if no qualifying upset bids are received) will be reported to Council and City Council may decide to accept or reject the bid or offer.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to adopt the resolution authorizing the sale by the negotiated offer, advertisement and upset bid method. Upon the conclusion of the process, the final qualifying upset bid (or the initial offer if no

qualifying upset bids are received) will be reported to Council and City Council may decide to accept or reject the bid or offer. Motion carried unanimously. (Resolution No. 05-24)

JUSTICE ASSISTANCE GRANT APPLICATION FOR THE POLICE DEPARTMENT – APPROVED

Captain Joe Bartlett informed the Council that the Greenville Police Department is applying for funds from the US Department of Justice. The City and Pitt County are eligible for a total of \$104,168, and the two entities have agreed to divide the funds equally. The Greenville Police Department and the Pitt County Sheriff's Department will each receive \$52,084. There is no matching requirement by the City. The Police Department intends to use the grant to fund a recruiting program for minority applicants for law enforcement positions in the Department. The Police Department has experienced a continual decline in the quantity and quality of minority applicants for police officer positions. The goal with this program is to increase the number of qualified minority applicants by targeting traditional recruiting locations such as military bases and minority campuses, and to reach potential local applicants at an early stage through local churches, organizations, and schools. This grant should provide funding for those efforts over a three to four-year period. Two of the criteria that must be met prior to the obligation of the BJA funds are the opportunity for public notice and a review by the governing body. The opportunity for public review will be accomplished by publishing notice of the grant application in The Daily Reflector with appropriate points of contact.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Dunn to acknowledge notification of the proposed use of funds from the Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant for the Enhanced Minority Recruiting Program. Motion carried unanimously. (Contract No. 1396)

ORDINANCE AMENDING GREENVILLE UTILITIES COMMISSION WATER CAPITAL PROJECTS BUDGET FOR THE GREENE STREET BRIDGE REPLACEMENT PROJECT - ADOPTED

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to adopt the ordinance amending the Greenville Utilities Commission Water Capital Projects Budget for the Greene Street Bridge Replacement Project. Motion carried unanimously. (Ordinance No. 05-42)

ORDINANCE AMENDING GREENVILLE UTILITIES COMMISSION ELECTRIC CAPITAL PROJECTS BUDGET FOR THE GEOGRAPHIC INFORMATION SYSTEMS - ADOPTED

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to adopt the ordinance amending the Greenville Utilities Commission Electric Capital Projects Budget for the Geographic Information Systems. Motion carried unanimously. (Ordinance No. 05-43)

AWARD OF CONTRACT FOR 2005 STREET RESURFACING PROJECT - APPROVED

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to award a contract to Greenville Paving Company in the amount of \$389,158.20 of which the Greenville Utilities Commission will reimburse the City \$23,616.30. Motion carried unanimously. (Contract No. 1397)

PROFESSIONAL ENGINEERING SERVICES AGREEMENTS FOR DESIGN OF SEVEN STORM DRAIN IMPROVEMENT PROJECTS (2004 G. O. BOND PROJECTS) - APPROVED

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to award a professional services contract to Rivers & Associates for the planning, design, and preparation of construction documents necessary to complete the Group A drainage projects for the lump sum fee of \$142,800. Motion carried unanimously. (Contract No. 1398)

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to award a professional services contract to The Wooten Company for the planning, design, and preparation of construction documents necessary to complete the Group B drainage projects for a lump sum fee of \$153,538. Motion carried unanimously. (Contract No. 1399)

REPORT ON BIDS AWARDED

City Manager Wayne Bowers referred the Council to bids that had been awarded as follows:

<u>Date</u>	<u>Item Description</u>	<u>Awarded To</u>	<u>Amount</u>
02/25/2005	43 ea. Panasonic Laptop Computers	First Mobile Technologies	\$154,370.00
*03/14/2005	2 ea. Chevrolet Impalas with Police Package	Bobby Murray Chevrolet	\$ 34,189.20
03/24/2005	2 ea. 25 CY Rear Load Refuse	Volvo & GMC Truck Center	\$213,291.00

\*State Contract Purchases

COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS

Council Member Craft stated that the Community Appearance Commission Award winners for April include Starbucks Coffee on Arlington Boulevard, Fugu Steakhouse on Greenville Boulevard, and CVS Pharmacy on Firetower Road.

Council Member Council congratulated the 2004 and 2005 J. H. Rose AP Scholars students and alumni.

Council Member Council stated that the International Festival will be held on April 16 at the Town Commons from 11:00 until 4:00. Also, the City-wide cleanup will be held April 23-30.

Council Member Glover stated that the West Greenville Focus Group will meet April 15 at 7:00 p.m. at the old Eppes Gym. She stated that there are inconsistencies in the Redevelopment Plan and those need to be worked out in order to develop trust and to have unanimous support of the plan.

Council Member Little stated that he has been talking to people in his neighborhood about the need to develop the land donated to the City by Bill Clark that is located on Fire Tower Road. The master plan from the Parks and Recreation shows an extensive program dealing with neighborhood parks, and District 5 has none. He asked if the City can see what can be utilized on that particular piece of property, as it connects to the greenway.

#### Cancellation of April 25 City Council Meeting

Motion was made by Council Member Craft and seconded by Council Member Little to cancel the April 25 meeting. Motion carried unanimously.

#### ADJOURN

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Dunn to adjourn the meeting at 9:15 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks  
City Clerk